

**H 232 – Bicycle Safety and Traffic Law Study**  
**Committee Meeting #3 Minutes**

October 6, 2015  
EIC Conference Room  
NCDOT

Committee Members Present: Kevin Lacy, Lauren Blackburn, Jim Westmoreland, James Gallagher, Master Trooper Chris Knox, Steven Goodridge, Fred Burt, Chris O’Keefe, Chuck Hobgood, Wes Dickson, Michael Montanye

Members not present: Crystal Collins

Attendees: Garold Smith; Bryan Poole; Robin Pugh; Beth McKay, NCDOT Special Deputy to the Attorney General

Public Present: Roger Henderson, President BikeWalk NC; George Hess; Ray Lovingood; Lisa Riegel, Executive Director BikeWalk NC

Jim Westmoreland convened the meeting at 10:06 am. Mr. Westmoreland reviewed that the purpose of the committee, as tasked by the General Assembly, is to look at core issues outlined in House Bill 232 and decide if and how laws should be revised to increase safety of bicyclists and motorists. Mr. Westmoreland suggested that the committee’s remaining two meeting opportunities – this meeting and an additional meeting to be scheduled for November -- focus on safety initiatives and, if appropriate, look at changes to existing laws and regulations. Mr. Westmoreland added that a representative from the North Carolina Attorney General’s Office would be attending the afternoon session of the meeting and to help provide assistance.

Mr. Westmoreland noted that the minutes of the September 11 meeting were circulated to the committee ahead of this meeting to allow committee members to review and prepare comments on the minutes. He added that the minutes of each meeting will become an element of the final committee report, so votes in favor of or against motions – including narrative on the dissenter’s reasons – are recorded in the minutes. The meeting minutes were unanimously approved following a motion for approval by James Gallagher and a second by Steven Goodridge.

Mr. Westmoreland reviewed the pending issues from the September 11 meeting, which included:

- 1) The committee tabled a vote on riding two abreast pending information from Kevin Lacy who will look into current North Carolina traffic laws regarding limitations on the number of vehicles allowed in a single lane.
- 2) The committee tabled the issue of the 2-foot versus other safe passing distance pending resolution of the permissible behavior as it relates to crossing the center line.
- 3) The committee voted not to carry forward any recommendation requiring cyclists to carry identification.
- 4) The committee approved carrying forward language on the addition of the right-hand signal to existing laws.
- 5) The committee decided to carry forward approved language that would require cyclists to either wear reflective clothing or a vest at night, or to have a rear light on their bicycle.

Mr. Westmoreland added that the outstanding issues included:

- 1) Group rides – recommendations regarding formal or informal group rides
- 2) Cyclist operating position in the roadway
- 3) Use of headphones and texting while cycling
- 4) Vulnerable Road User protection
- 5) Aggressive driving, harassment and distracted driving

#### Formal Group Rides

Mr. Westmoreland noted that there are permitting processes in place for permitting large group rides. Chuck Hobgood notified the group that the NC Bike Tour/Bike Ride Directors Association – made up of approximately 30 ride directors in the state - reports that there are approximately 80 organized group rides across the state each year with most of these rides raising money for charities such as American Heart Association and American Cancer Society. About 15 of these rides have reported the funds raised for charities over the years amounts to over \$65 million.

Mr. Hobgood noted that most of these rides are going through the NCDOT permitting process which requires approval from/notification of the NCDOT Divisions and local and state law enforcement. He noted that the NCDOT special event permit process is required only if the event will be closing roads. He noted that many of the large group rides don't require the road closures but local law enforcement may require traffic controls as part of these events. Mr. Hobgood noted that ride organizers were encouraged to coordinate with local law enforcement even before the permitting process as a measure against disruptions and surprises, such as road construction which may impact rides. As a result, the NC Bike Tour/Bike Ride Directors Association encourages smaller rides to go through these steps for the NCDOT special event permit in advance of the ride.

Lauren Blackburn added a clarification that the NCDOT permit is not required if a local government is sponsoring the activity. For a town that is having a Christmas parade or hosting a bike ride and is managing the traffic control, they are responsible for the event permitting.

Fred Burt asked to share his experiences with group rides. Mr. Burt stated that he has noticed volumes of bicycle traffic impeding access and travel on roadways, including instances where bicycle races have closed roads, driveway accesses and disrupted normal traffic. He stated that the motorist's expectation is to be able to drive the speed limit – especially on rural roads - but they are unable to do so because of the bicycle traffic. He also cited examples where sight distance and cyclist travel speeds have resulted in crashes with property damage. Mr. Burt explained that changes must be made or more severe restrictions will be imposed on bicycle riders, feeling that the majority of the public are against unrestricted bike riding.

Mr. Westmoreland asked if Mr. Burt had any specific recommendations he wanted to put on the table for the committee to discuss. Mr. Burt provided the Committee Chair, Jim Westmoreland, with a handout which outlined his issues (see attached.)

Mr. Burt noted that bicyclists have responsibility of working with motorists and the traveling public or else there may be more drastic measures – such as banning bicycles from state roads – that may result. Mr. Burt added that he had not seen cyclists travel in small groups, but are more likely to be strung out over a longer distance. Because of this, and the attributes of rural roadways, he explained that it is

difficult to pass long lines of bicycles. Mr. Burt added that spacing between groups would allow cars the ability to pass in a reasonable distance.

Chris O'Keefe commented that the issue of formal rides having permits may not be within the purview of this committee since processes, permits and procedures already exist. Jim Westmoreland noted that the committee can bring up areas/issues that can be examined, but rather than look at law changes in this instance, it may be better to have NCDOT produce an educational program about group rides for cyclists. Steven Goodridge noted that BikeWalk NC is in support of continuing educational programs for cyclists rather than passing laws that require certain cycling behaviors - must get a consensus within the bicycling community as to what are defined as the most effective best practices.

MT Chris Knox noted that the NCDOT permitting form includes the option of a "total closed course," allowing no vehicular traffic and wondered if the committee is interested in supporting a change to the NCDOT form to stipulate that local residents will not be prohibited from normal use of their roads and access points. Mr. Westmoreland suggested that NCDOT look at the existing permit and see if there are ways it can be improved to help accommodate access for local roadway users. Lauren Blackburn also suggested that this investigation could more clearly explain the allowances under the permit and how to clarify road closures and other local impacts.

Jim Westmoreland suggested part of the investigation into the permitting process should also include looking at what local areas are being traversed and ensuring that local law enforcement are involved and able to provide input into traffic control for events. Steven Goodridge made the motion the committee recommend that NCDOT review their permit and management process for road closures for events to reduce the impacts on local residents and businesses. Fred Burt seconded. Motion carried unanimously.

#### Informal Group Rides

Lauren Blackburn replied that Kevin Lacy and she had discussed how the final committee report can go beyond best practices, requesting a resolution from the Legislature. This resolution would state the background issues and concerns, noting the need for responsible cycling behaviors, robust public education program, and coordination with law enforcement and, the bicycle industry to help get information to the cycling community. Although not a law, Mr. Westmoreland explained that this resolution would be helpful in obtaining resources and send a strong message that the issue is important and needs to be addressed – by both the state and the cycling community. Lauren Blackburn put forth the motion that the report include a draft form resolution for the Legislature stating a directive to NCDOT to develop an educational and safety initiative, an outreach strategy around "these issues," and for the required resources, to be identified, for the program to be carried out. "These issues" would include group rides, and other issues as discussed. James Gallagher seconded the motion. The motion passed unanimously.

#### Headphones/Texting

MT Chris Knox and Greenville Police Officer Michael Montanye noted that they were not aware of any laws related to using headphones while cycling or driving. James Gallagher added that while five states do have laws pertaining to distracted cycling, North Carolina is not one of them. Jim Westmoreland suggested that the topic may not warrant creating a law prohibiting bicyclists from wearing headphones, but that it may be something that should be incorporated into NCDOT's best practices or other educational components for cyclists. Chris O'Keefe moved that distracted cyclists are a threat to all the vehicles on the road and recommended that the committee support efforts to address the issue. Fred

Burt seconded the motion. Mr. Burt suggested adding “when operating a bicycle on a state-owned roadway.” Mr. Gallagher suggested that the motion also include municipal trails. The motion carried unanimously.

#### Vulnerable User Protections/Aggressive Driving/Distracted Driving

MT Chris Knox read the aggressive driving law (§20.141.6) which states that a person is in violation if they operate a motor vehicle on a public roadway, street or highway, where they are in the offense of reckless driving. The offense is a Class One misdemeanor and would apply to reckless driving around a bicycle. MT Chris Knox noted that NC does have two separate reckless driving offenses – reckless driving and a separate reckless driving charge with willful and wanton disregard. MT Chris Knox read the law: “a) Reckless driving is any person who drives any vehicle on a highway or public vehicular area carelessly and heedlessly in willful or wanton disregard, b) Any person who drives any vehicle on a highway or public vehicular area without due caution and circumspection and at a speed or manner as to endanger.”

Mr. Westmoreland asked if the committee felt there were specific actions or recommendations that should be taken with regard to vulnerable user protections. Steven Goodridge replied that it is important to provide increased protection for all crash victims, not just cyclists, and that the penalty should be increased across the board for all users and victims. Mr. Lacy suggested that bicyclists and motorcyclists should be considered together and allow the General Assembly to decide if there is an action they want to take. Mr. Westmoreland suggested that the committee table this issue until the next meeting at which point the committee will decide if there should be any formal action.

#### Passing Over the Center Line

(This draft language was distributed to committee members.) Kevin Lacy briefed the group on the draft language and added that he does not advocate changing the meaning of the double yellow line, but rather taking the approach that if a cyclist is passed on a double yellow line and within the conditions stated in the draft language that would be a defense to a citation. This language keeps the purpose and meaning of the traffic control device (double yellow line), but provides reasonable situations where individuals or groups of bicyclists can be passed. Steven Goodridge commented he believes the draft language is the best wording he has seen on the topic and that the language also addresses the concern of commercial truck drivers who may be afraid of losing their Commercial Driver License due to being cited for safely passing bicyclists on the double yellow line.

MT Chris Knox asked if there had been any investigation into statistics dealing with this issue or if there is any similar legislation. Mr. Westmoreland replied that James Gallagher had done the research and found no statistics or data that specifically address this issue. He also added that the language would allow the state to communicate the message to the motoring public which will be positive for both the motoring public and cyclists. Also, the fact that other states have similar language in place and have not reported any adverse effects as a result, are good defenses for the committee’s action in drafting and supporting this language and its outcome.

Mr. Westmoreland asked the committee if this language also addresses the issue of safe passing distance or if there is another citation of law that would need to be modified to four feet. Mr. Goodridge replied that he would like to treat the passing distance and the double line passing as separate issues

since each has unique characteristics. Mr. Lacy suggested that although there may be separate discussions about the two issues, he would prefer that there be consistency in the distances within the two issues. Lauren Blackburn noted that the distance (two feet) applies in the current context to all slower moving vehicles or to any time a vehicle is being overtaken – it is not explicit to bicycles.

Mr. Westmoreland called for a motion on what Mr. Lacy presented to the committee for inclusion in the report. James Gallagher made the motion. Steven Goodridge seconded the motion. Upon a call for vote, the motion passed with one dissention, MT Chris Knox, who stated that although he understood the point of the language and the point of not inconveniencing motorists, he is still concerned about safety.

#### Safe Passing Distance

MT Chris Knox notified the committee that the language on passing distance could be found under § 20-149. Mr. Lacy noted that § e(1), as proposed, only applies to a bicycle. §§ (1) and (4) clearly apply to bicycles and not to other vehicle types such as farm vehicles. Beth McKay suggested the committee could include language that specifies “except as what is provided in § 20-150A(e)1.” James Gallagher shared his concern with this approach because the language does not require vehicles to give more than two feet if they want to pass in the same lane and not go out over the yellow line to pass at four feet. Steven Goodridge added that there is concern from BikeWalk NC about changing the passing distance law and that it is not a priority over educating bicyclists about crossing the center line.

Mr. Westmoreland suggested that given the discussion on this topic and sufficient items that the committee has already considered, action on this issue could be delayed or deferred. The report could state that it was something the committee looked at, but had no specific recommendations or action for changes. He added that committee members could do additional work on this issue if they desire. Kevin Lacy moved this action, Chris O’Keefe seconded. On a call for vote, the motion passed with one dissention, James Gallagher, who believed that there should be a wider berth for passing as it relates to safety.

#### Riding Two or More Abreast

James Gallagher shared that the laws as currently written are undefined and there are conflicting interpretations. Steven Goodridge commented that cyclists are satisfied with the way the law is currently written where cyclists are required to operate within a single lane. Jim Westmoreland noted that, according to committee discussions, it seems as though current regulations are adequately addressing the issue. He added that there may be the need to incorporate some of the elements from this discussion into the General Assembly resolution in order to assist in educating the public and cyclists about the issue.

Kevin Lacy commented that he has a concern with multiple vehicles in a lane. He feels that operating conditions, higher speed environments and number of bicycles abreast are all issues that should be taken into consideration. Steven Goodridge replied that higher speed environments are where there is the most benefit to riding abreast as it aids in visibility and increases safety. He feels there are fewer crashes involving groups in higher speed environments than single riders riding on the right edge of the

road. Mr. Goodridge noted that there is not data that shows crashes involving cyclists riding two abreast, but much data showing individual cyclists being hit while riding along the right edge.

Mr. Lacy stated that speed differential is a large issue and has an impact on the outcome of cyclists riding abreast. Mr. Goodridge added that if there isn't crash data that applies to cyclists riding two abreast being involved in incidences where they are being overtaken from a vehicle traveling behind them, there are no grounds – from a safety perspective – for taking action on this issue. MT Chris Knox noted that crash reports do not show cyclists and their positioning if they are not directly involved in the crash. There is no way to track data for crashes involving cyclists riding abreast because it is not recorded in the crash reports.

MT Chris Knox noted that the existing motorcycle law states that motorcycles have use of the full lane and they can ride two abreast (§20.146.1) James Gallagher stated that 39 states have laws that allow cyclists to ride two abreast and only three states limit to single file unless the bike lane is wide enough to accommodate two. North Carolina is among eight states who do not address the issue.

Mr. Goodridge asked if the committee can make a resolution stating that cyclists ought to be able to ride abreast within a single lane. Lauren Blackburn asked if Mr. Goodridge was suggesting the committee adopt something similar to the motorcycle law. Mr. Goodridge noted that the motorcycle law prohibits motorists from driving in the same lane as motorcycles and he is not sure that this is what should be pursued for bicyclists since there are some lanes that are wide enough to accommodate a motor vehicle and a bicycle. Mr. Lacy stated that he would not advocate using “two or more abreast” since passing is allowed; rather, he would like to see the language say “two abreast” under certain conditions and negotiate what those conditions should be. Mr. Lacy added that on roadways with speed limits of 35 mph and less there is a lot of interaction. On roadways above 35 mph, speed differentials are greater and he would be less reluctant to encourage cyclists to use more of the lane, either riding alone or riding in a group.

Mr. Westmoreland suggested that the committee table the issue and form a work group to further discuss the conditions under which cyclists may ride two abreast, and craft something that the committee would want to recommend to the Legislature. Jim Westmoreland, Kevin Lacy, Steven Goodridge, Lauren Blackburn and Fred Burt volunteered to participate in this work group prior to the next committee meeting.

Lauren Blackburn noted that she will circulate a draft resolution in advance of the next committee meeting.

Jim Westmoreland set the next committee meeting for Wednesday, November 18, 2015, from 10 am to 2 pm. Lauren Blackburn will check on room availability.

Jim Westmoreland wrapped up by stating that for the next meeting the committee will discuss the summary of recommended actions for this committee, draft language on riding two abreast and the

draft resolution. The only outstanding issue is the riding position, which may be incorporated into the riding two abreast language.

Fred Burt moved for adjournment, seconded by Chris O'Keefe.

The meeting was adjourned at 2:10 pm.

Summary of actions taken by the committee:

- 1) The committee approved meeting minutes from the September 11, 2015 committee meeting.
- 2) The committee passed a motion unanimously recommending NCDOT review their permit and management process for road closures for events to reduce the impacts on local residents and businesses.
- 3) The committee passed a motion unanimously that the report include a draft form resolution for the Legislature stating a directive to NCDOT to develop an educational and safety initiative and an outreach strategy around "these issues" and for the required resources, to be identified, for the program to be carried out. "These issues" would include group rides, and other issues to be determined.
- 4) The committee passed a motion unanimously recommending to the NCDOT, as part of their educational outreach strategies that they focus on efforts to inform all users of the transportation system about the elements of distracted driving, especially operating a vehicle when the user has on headphones including when operating a bicycle on a state-owned roadway or on municipal trails.
- 5) The committee tabled action on vulnerable user protections and aggressive driving/distracted driving/harassment until the next meeting at which point the committee will decide if there should be any formal action taken.
- 6) The committee passed a motion for carrying forward draft language, as presented by Kevin Lacy, regarding passing bicyclists over the double yellow center line. The motion carried with once dissention, MT Chris Knox.
- 7) The committee passed a motion that action on the issue of safe passing distance be delayed or deferred, noting in the report that safe passing distance was something the committee looked at, but had no specific recommendations or action for changes. The motion passed with one dissenter, James Gallagher.
- 8) The committee tabled the issue of riding two abreast, formed a work group to further discuss the conditions under which cyclists may ride two abreast, and will create draft language that the committee would want to recommend to the Legislature. Jim Westmoreland, Kevin Lacy, Steven Goodridge, Lauren Blackburn and Fred Burt volunteered to participate in this work group.
- 9) The next committee meeting will be held on Wednesday, November 18, 2015, from 10 am to 2 pm. Lauren Blackburn will check on room availability.